

Attachment A – LAS 32622

Agency and Public Comments and Responses

Agency Comments

- **DOT Comment: DOT does not maintain “this road” in the winter. DOT requests that permit stipulates that permittee does not alter or damage the road or parking lot in any way**
 - **Response:** This information has been passed along to HPMG and has been added as an advisory to the permit
- **ADF&G Recommendation: Helicopters should maintain a 1500-meter distance from any observed sheep and the operators should visually evaluate the slopes for signs of bear and wolverine activity. Skiing and snowcat activities should also maintain a 400-meter distance from observed bear or wolverine activity to minimize disturbances to the den.**
 - **Response:** Recommendations from ADF&G will be passed along to HPMG.
- **DEC Comment: DEC has commented that this project is near an active registered Public Water System Source, and requests that the applicant adheres to the *Recommendations for General Construction Projects* where applicable.**
 - **Response:** The *Recommendations for General Construction Projects* have been passed along to HPMG.
- **DPOR Comments;**
 - **Snowcat operations are restricted from non-motorized areas.**
 - **Response:** HPMG will not be permitted to operate in areas which motorized vehicle use has been restricted.
 - **Snowcat travel occurs along the existing snowmachine corridor.**
 - **Response:** Per the stipulations of the permit, HPMG will be required to operate within existing roads and trails whenever possible, which includes the existing snowmachine corridor.
 - **Operations adhere to the openings and closings of the travel corridor for public use.**
 - **Response:** The stipulations of the permit will require HPMG to adhere to the openings and closings of the travel corridor, and this authorization will not grant any special or preferential use.
 - **Snowcat operations for HPMG are to remain entirely separate from any grooming contracts that could be awarded in the future.**
 - **Response:** HPMG has been informed that their business operations will need to remain separate from any grooming contracts that could be awarded in the future, as to avoid any conflicts of interest.
 - **Further clarification of landowner permission for the storage of HPMG equipment on private land.**
 - **Response:** Landowner permission was granted to HPMG from DMLW for storage of heavy equipment on state-owned lands.
 - **Request that operations not be staged out of the Independence Mine Bowl Parking Lot.**
 - **Response:** HPMG operations will not be authorized to be staged out of the Independence Mine Bowl Parking Lot.
 - **Unless otherwise permitted by DPOR, applicant may not use the SLSRA.**
 - **Response:** HPMG will not be permitted to operate within SLSRA, beyond traversing the travel corridor.

HPMP Conflicts

- **Issue: Incompatibility with HPMP, and Spirit of HPMP**
 - **Response:** The applied for activities by HPMG are consistent with the HPMP.

Attachment A – LAS 32622

Agency and Public Comments and Responses

- **Issue: Contradiction of Precedent in HPMA for Human Powered Skiing**
 - **Response:** HPMG is not the first business to propose and operate a non-human powered ski operation in HPMA. Glacier Snowcat Skiing & Tours held permits to operate a snowcat-powered skiing operation from 1995 through 2008 in HPMA. Additionally, per Table 2-1: Listing of Uses on Areawide Basis, helicopter skiing, or commercial tours are listed as a Potential Use under the section titled Commercial Recreation Facilities and Activities, and is noted that this activity is “Allowed but registration is required under 11 AAC 96” (pg. 2-4 HPMP) which will be required of HPMG.
- **Issue: Viewshed Disturbance**
 - **Response:** Per the HPMP, “The maintenance of the views of adjacent areas from the Hatcher Pass Road is to be considered in an authorization issued by DNR. Structures or activities that significantly degrade the viewshed visible from this road are considered generally inappropriate” (pg. 2-37 HPMP). This activity will impact the viewshed however the impact is considered minimal as there are no structures proposed and the activity occurs seasonally.

Motorized and Non-Motorized Areas

- **Issue: Motorized Operations in Non-Motorized Zones**
 - **Response:** Consistent with the HPMP, Map 1-5 of HPMP and 11 AAC 96.014(b)(3), HPMG will not be allowed to operate motorized vehicles within non-motorized areas.
- **Issue: Motorized Operations in HPMA**
 - **Response:** As established by the HPMP and 11 AAC 96.014(b)(3), motorized use is allowed within designated areas of HPMA.
- **Issue: Motorized User-Group Conflicts**

Response: It is the responsibility of both the public and commercial operators to operate in a safe manner for all recreators.
- **Issue: Limited Non-Motorized Areas**
 - **Response:** Through the planning process of HPMP, specific areas were designated as non-motorized. While there are few areas that have been designated as such, it does not limit non-motorized access throughout the entire HPMA.
- **Issue: Promote West Hatcher Pass as the Main Motorized Area**
 - **Response:** Per the HPMP, the area identified as West Hatcher Pass is predominately motorized, with the majority of motorized vehicle restrictions found in East Hatcher Pass with the exception of the Willow Mountain Critical Habitat Area. It is up to the recreating users to determine, within the law and allowable uses, where they will operate.
- **Issue: Opening of Further Areas of HPMP for Motorized Use**
 - **Response:** Any changes relating to the opening or closing of motorized areas are subject to the public process laid out in AS 38.04.065 and 11 AAC 55.
- **Issue: Concern of Allowing for Motorized Used in More Areas**
 - **Response:** The controlled use of motorized vehicles in HPMP is regulated through 11 AAC 96.014(b)(3) and is supported by the HPMP. Any changes relating to the opening or closing of motorized areas are subject to the public process laid out in AS 38.04.065 and 11 AAC 55.

Attachment A – LAS 32622

Agency and Public Comments and Responses

- **Issue: Make East Hatcher Pass Non-Motorized**
 - **Response:** Any revisions to this plan are subject to the planning process requirements of AS 38.04.065 and 11 AAC 55.
- **Issue: Operate in West Hatcher Pass**
 - **Response:** The majority of area proposed by HPMG to operate are within West Hatcher Pass.

Helicopter

- **Issue: Helicopter Activity, Including Noise, Flight Paths, and Landing Zones Will Have a Negative Impact on Wildlife**
 - **Response:** DNR recognizes that while the boundaries proposed by the applicants do include areas identified in the HPMP as general moose and caribou habitat, however, per Map 2-1 and 2-2 of HPMP, the proposed boundaries do not encompass any areas identified as moose calving, wintering, or rutting habitat, which the HPMP identifies as areas in which the applied for activities should not be authorized, nor encroach upon the Willow Mountain Critical Habitat Area. Additionally, ADF&G has provided comment regarding sheep, wolverine, and denning bear habitat in the area, and the permittee is advised as such.
- **Issue: Helicopter Pick Up Location/Reduction in Access by Heli Landing Location**
 - **Response:** Per the HPMP Safety and Operations Plan, HPMP “will never operate on the Palmer side of the pass or near the parking lot areas”. They note that “the heli will be operating in areas far from most other back country users. This is to ensure public safety”. As such, the helicopter pickup and landing areas should have minimal impact on public access within the HPMA.
- **Issue: Safety Concerns Regarding Model of Helicopter**
 - **Response:** Equipment choice is not regulated by DNR, and it is the responsibility of the operators to operate in a way to ensure their client’s and the public’s safety. While there may be an industry standard for the appropriateness of particular aircrafts for the intended use, there is no legal grounds to restrict what model of helicopter is used in this particular operation.
- **Issue: Non-remoteness of Heli-Skiing/Proximity to Road**
 - **Response:** While HPMG has applied for an area that is within close proximity to the road, their use of helicopters for ski-operations is allowed per Table 2-1 of the HPMP, and additionally is not limited to the boundary proposed in their application. Per 11 AAC 96.020(a)(1)(F), landing an aircraft on state-owned land without damaging the land is asserted as a generally allowed use provided they register their commercial recreation purpose under 11 AAC 96.018.
- **Issue: Use of Helicopters Near State Parks**
 - **Response:** DNR does not regulate air space and cannot dictate flightpaths. Additionally, comments were received from DPOR and this issue was not raised in their comments.
- **Issue: Helicopter Use Should be 10 Miles or Further from Parking Lot**
 - **Response:** It is mandated by regulation, 11 AAC 96.014 (b)(3)(A), that within the Mile 16 and Government Peak management units and in portions of the Independence, Reed Lakes/Little Susitna, and Archangel management units that are depicted in HPMP as “Non-Motorized (Year)” that except for designated roads and parking areas, motorized vehicle use, including aircraft is prohibited. Additionally, per 11 AAC 96.014 (b)(3)(D),

Attachment A – LAS 32622

Agency and Public Comments and Responses

in the Summit Lake State Recreation Site, the Government Peak and High Glacier Peaks management units, and portions of the Independence, Archangel, and Reed Lakes/Little Susitna management units, as depicted in the HPMP, motorized vehicle use is prohibited after October 1 and before May 1 of each year. As such, helicopter use will not be allowed in these areas other than on designated roads and parking areas. Beyond these specific regulations, helicopter use is considered generally allowed, per 11 AAC 96.020, provided that if the helicopter is used for commercial recreation, they must register their activity as required by 11 AAC 96.018. Additionally, per the HPMG Operations and Safety Plan, HPMG does not intend to operate the helicopter on the “Palmer side of the pass or near the parking lot areas”.

- **Issue: Opposition to Helicopters in HPMA**
 - **Response:** Per the HPMP, helicopters are allowed to operate in areas which motorized vehicle use has not been restricted.
- **Issue: Lack of Information on Helicopter Refueling**
 - **Response:** It is not required by DMLW that applications request specific locations for refueling of vehicles. Potential impacts by refueling activities are mitigated by the stipulations of the permit.

Safety & Ops

- **Issue: Avalanche Safety**
 - **Response:** While the Hatcher Pass Avalanche Advisory does assist with avalanche advisories, it is the responsibility of both the permittee and the general public to be knowledgeable and informed about avalanche hazards and conditions, and to operate and recreate in a safe manner.
- **Issue: Insufficient Guide Training Outlined in Safety/Operations Plan**
 - **Response:** It is outside the scope of the DNR to require specific levels of training for the permittee and their employees, nor are there professional licensing requirements from the Department of Commerce, Community, and Economic Development for this activity.
- **Issue: Inadequate Safety/Operations Plan**
 - **Response:** It is not within the authority of the DNR to determine the quality of the applicant’s Safety and Operations Plan.
- **Issue: Safety/Operations Plan is not to Industry Standard**
 - **Response:** DNR cannot legally hold any applicant or permittee to “industry standard”. While the American Mountain Guides Association, Heli-Ski U.S., and the International Federation of Mountain Guides Association provide a wide breadth of knowledge and expertise for the field, they are not governing bodies with legal authority in the State of Alaska.
- **Issue: Application/Proposal is Vague**
 - **Response:** The application submitted to DNR by HPMG is sufficient for the requirements of the application and adjudication of this proposal. Any further clarification needed in part by DNR on this proposal will be handled between the applicant and DNR.

Attachment A – LAS 32622

Agency and Public Comments and Responses

- **Issue: HPMG Unlikelihood to be a First Responder**
 - **Response:** HPMG will not be obligated or required by the stipulations of their permit to perform as a first responder for the general public recreating in HPMA. Their willingness and ability to perform as such will have no bearing on their permit.

Environmental

- **Issue: Adequate Snow Coverage to Protect the Landscape and Vegetation**
 - **Response:** Per the stipulations in the permit, the snowcat operations will be allowed to commence each season once DPOR determines that there is sufficient snow coverage and frost depth to open the travel corridors.
- **Issue: Increase in Trash Being Left Behind**
 - **Response:** HPMG will be required by the stipulations of their permit to remove all waste to a facility approved by DEC. Additionally, per HPMG Operations and Safety Plan, HPMG and their clients will adhere to *Leave No Trace* practices.
- **Issue: Potential Impacts to Downstream Fishery in Event of Fuel/Oil Spill**
 - **Response:** Potential impacts to any fishery by fuel or oil spill are mitigated by the stipulations of the permit.

Traffic & Parking

- **Issue: Hatcher Pass Mountain Guides, Along with Skeetawk Ski Area will Significantly Contribute to Traffic and Road Congestion**
 - **Response:** DNR recognizes that as this is a popular recreation area and is subject to traffic and road congestion. It is not in the authority of DNR to deny a request for permit based on potential traffic concerns.
- **Issue: Parking and traffic congestion**
 - DNR recognizes the current congestion of the area, and it has been identified in the HPMP the need for further development of both roads and parking. DNR will not restrict access based on insufficient parking or traffic, nor will DNR prioritize public parking for one particular user-group over another, as parking is operated in a first-come-first-served basis and will continue to operate as such.
- **Issue: Provide Winter Road Maintenance and Parking on the Willow Side**
 - **Response:** DOTPF has deemed the Willow Fishhook Road from the Parks Highway to mile post 17.5 to be a Priority Level 4 road, which “may take up to 30 hours to clear after a winter storm”, and the Willow Fishhook Road from mile post 17.5 to mile post 32.5 a Priority Level 5 road, which is a road designated as “no winter maintenance”. The need for improved parking facilities have been identified (Table 4-4, HPMP), specifically the need for additional parking below the mile post 17.5 gate.

Public Notice

- **Issue: Length of Public Notice Period**
 - **Response:** Per the Regional Managers Decision dated May 6, 2015, the courtesy notice period for land use permits is set at 14 days, as notice is not required under statute or regulation for land use permits under AS 38.05.850. A 14-day notice was issued for this application on April 2, 2019 and was extended for an additional 17 days on April 10,

Attachment A – LAS 32622

Agency and Public Comments and Responses

2019 at the request of both the public and commenting agencies, totaling in a 31-day notice period.

- **Issue: Lack of Public Hearing**
 - **Response:** DNR is not required by statute or regulation to hold a public hearing for authorizations issued under AS 35.05.850 and has provided an extended public and agency notice at the request of the public and commenting agencies.
- **Issue: Should Require Annual Public Comment Period**
 - **Response:** Per the Regional Managers Decision dated May 6, 2015, the courtesy notice period for land use permits is set at 14 days, as notice is not required under statute or regulation for land use permits under AS 38.05.850. A 14-day notice was issued for this application on April 2, 2019 and was extended for an additional 17 days on April 10, 2019 at the request of both the public and commenting agencies, totaling in a 31-day notice period. Any concerns and issues that arise in the future will be addressed on a case by case basis.

User Conflicts

- **Issue: Availability of Untracked Snow/Snow Quality**
 - **Response:** DNR has the authority to restrict travel routes for heavy equipment, which is done in the interest of protecting the land, DNR does not restrict use, travel, or recreation in the interest of preserving quality of snow.
- **Issue: Overcrowding, congestion, and User Conflicts of Hatcher Pass**
 - **Response:** DNR understands that Hatcher Pass is a popular recreation area for a multitude of user-types. DNR will not restrict use public lands of a particular user, in favor of another.
- **Issue: Granting “Special Privilege” for HMPG to Operate**
 - **Response:** The issuance of a permit to HPMG to operate in the HPMA does not grant exclusive use of the area. Issuance of a permit provides the legal authorization to operate. DNR does not prioritize use of an area to one user or another and will only close an area to public access on account of a Land Use Permit if there are safety concerns.
- **Issue: Cost Barrier for Non-Motorized Skiers**
 - **Response:** This is outside of the purview of DNR.
- **Issue: Reduced Quality of User-Experience**
 - **Response:** A user experience is perceived differently by each person. DNR manages land by making lands available for maximum use and benefit consistent with the public interest, and permitting this activity is not prohibited with the HPMP.
- **Issue: User Conflicts**
 - **Response:** The HPMA is managed for multiple uses, which includes both motorized and non-motorized uses, as well as personal and commercial recreation. Per the HPMP, “The non-motorized areas recommended in this plan [and that were adopted into 11 AAC 96.014(b)(3)] are intended to increase public safety, reduce user conflict, and to facilitate enforcement efforts” (pg. 2-36 HPMP).
- **Issue: Safety Concerns Due to Over Crowding**
 - **Response:** It is the responsibility of both HPMG and the public to operate and recreate in a manner that is safe. Additionally, per the HPMP “Public safety was a major concern raised by the public and it is the primary reason additional areas have been closed to

Attachment A – LAS 32622

Agency and Public Comments and Responses

winter recreational motorized use in the planning area. The non-motorized areas recommended in this plan [and that were adopted into 11 AAC 96.014(b)(3)] are intended to increase public safety, reduce user conflict, and to facilitate enforcement efforts” (pg. 2-36 HPMP).

- **Issue: Poaching of Ski Runs**
 - **Response:** DNR does not regulate or prioritize access to particular areas for recreating to one user group over another.

Relocation of Operations

- **Issue: Move Operations to a More Remote Location/Northern Areas of HPMA**
 - **Response:** DNR adjudicates permit applications at face value, and will issue a decision to deny, issue, or issue with a reduction in scope based on the proposed activities, the area plan, and comments received. Any changes to the original proposal must be made at the request of the applicant.

Misc.

- **Issue: Establishment of Camps**
 - **Response:** At this time, HPMG has not applied for the use of state-owned land for the purpose of establishing overnight camps.
- **Issue: Noise Pollution**
 - **Response:** The HPMP and 11 AAC 96.014(b)(3) does designate non-motorized areas, HPMG will not be authorized under this permit to operate in these areas that are restricted for winter motorized use. Per the HPMP “an area along the little Susitna River Corridor that parallels the Palmer-Fishhook Road and the general area of the Mat-Su Borough Alpine and Nordic Ski facility development” was “recommended for year round motorized use closure. This change was made at the request of the borough in an effort to preclude noise, potential traffic impact, and uses that may be incompatible with the development of their ski facilities” (pg. 3-72, HPMP). This area is found on the east side of HPMA, whereas the operations of HPMG are happening predominantly on the west side and will have limited to no auditory impact on this area. Noise pollution from use of helicopters would be limited, as per the HPMG Operations Plan, their predominant means of transporting clients is to be by snowcat. Additionally, DNR does not regulate helicopter noise, the Federal Aviation Administration Aviation Noise Ombudsman serves as a liaison with the public on issues regarding aircraft noise.
- **Issue: Lack of Recognition of Indigenous People**
 - **Response:** Notice was sent to Cook Inlet Region, Inc. on April 2, 2019 and April 10, 2019, and did not provide comment.
- **Issue: Use/Commercialization of Public Land for Profit**
 - **Response:** It is the mission statement of the DNR to “develop, conserve and maximize the use of Alaska’s natural resources consistent with the public interest”.
- **Issue: Lack of Business License**
 - **Response:** HPMG has an active business license with the Department of Commerce, Community, and Economic Development.

Attachment A – LAS 32622

Agency and Public Comments and Responses

- **Issue: Carrying Capacity of East Hatcher Pass**
 - **Response:** As HPMG are intending to use East Hatcher Pass as only a rendezvous/ collection point for, and transporting customers, the operations of HPMG will have minimal to no impact on the carrying capacity of East Hatcher Pass. While it has been suggested that DNR needs to determine the carrying capacity of East Hatcher Pass, it is not prudent at this time to do so, as previously state, that the operations of HPMG will have minimal to no impact on the carrying capacity of East Hatcher Pass.
- **Issue: High Number of Requested User-Days Compared to Size of Proposed Boundary in HPMG**
 - **Response:** HPMG will not be required by the stipulations in their permit to meet a minimum or maximum number of use days.
- **Issue: Economic Impact of Deterring Visitors**
 - **Response:** DNR encourages the use of state land, and as such, promotes responsible commercial operations as well as public use.
- **Issue: Activity Places a Higher Strain on Resources by Placing More People on the Land**
 - **Response:** While DNR recognizes that the use of HPMG has grown significantly, there are currently no limitations on the number of users allowed per area on state land. DNR has no authority to deny a Land Use Permit based on this objection.
- **Issue: Should require HPMG to not drop in over ski parties**
 - **Response:** It is the responsibility of HPMG to operate in a way that promotes and ensure the safety of not only their clients, but the public at large as well.
- **Issue: Proposed travel corridors/routes of travel**
 - **Response:** Per the stipulations of the permit, HPMG will be required to operate within existing roads and trails whenever possible, which includes the existing snowmachine corridor.
- **Issue: Snowcat pickup location**
 - **Response:** HPMG, under this permit, is authorized to utilize the parking area that is on the west side of Fishhook-Willow Road, and approximately 1,400 feet south southeast of the intersection of West Willow Fishhook Road, Gold Cord Road, and Fishhook-Willow Road as the client pickup location.
- **Request for map of travel routes, ski runs, and re-fueling zones**
 - **Response:** Per the stipulations of the permit, HPMG will be required to operate within existing roads and trails whenever possible, which includes the existing snowmachine corridor. HPMG will be required per permit stipulations that they provide GPS track log files for all actual routes of travel. HPMG will not be required to provide maps of ski run locations as this is a generally allowed activity and is not needed to be authorized under this permit. Additionally, HPMG will not be required to provide maps for re-fueling zones, as this activity, and the potential hazards and environmental concerns, are mitigated by the stipulations of the permit.
- **Issue: Trespass on Non-State-Owned Lands, Including Federal and Private Property**
 - **Response:** HPMG will be authorized for operations on state-owned land, and it is the responsibility of HPMG to ensure they are not operating in trespass of other landowners.
- **Issue: Opposition of Issuance on Account of Delay in Adjudication of Lease Application**
 - **Response:** While the adjudication and issuance of permits and leases for surface use of state-owned land are both handled within DNR DMLW Southcentral Regional Land

Attachment A – LAS 32622

Agency and Public Comments and Responses

Office, they are unrelated processes with each having their own timelines and requirements.

- **Issue: Additional Burden upon Division of Parks and Outdoor Recreation Resources**
 - **Response:** While DMLW and DPOR have a co-management agreement within HPMA, this authorization falls under the purview of DMLW, and as such will not be administered by DPOR.
- **Issue: Little Terrain Suitable for Proposed Use**
 - **Response:** It is outside the responsibility of DMLW to recommend a business plan to an applicant. The application is adjudicated at face value and a decision to deny, issue, or issue with a reduction in scope is based on the area plan and comments received.
- **Issue: Speculated Attempt to Film for Television**
 - **Response:** This authorization does not include filming activities, and as such, any such activities conducted by HPMG or any affiliated group will be required to obtain appropriate authorizations from DMLW for any filming activities on state-owned land.
- **Issue: HPMG Operations will Detract from HPMA Potential for Low-Impact Revenue Generation**
 - **Response:** DNR's mission statement is to "develop, conserve and maximize the use of Alaska's natural resources consistent with the public interest." DNR encourages the use of state land, and as such, promotes responsible commercial operations as well as public use.
- **Issue: Disruption of Traditional Use**
 - **Response:** The applied-for activities are allowable per HPMP and have precedent to operate in HPMA, as snowcat powered skiing has previously occurred in HPMA. While the operations may provide disruption to what many may consider the *traditional use* for this area (human powered backcountry skiing, and other human-powered recreational activities), any disruption to these activities will be minimal and limited in acreage.

List of Acronyms

HPMA – Hatcher Pass Management Area

HPMP – Hatcher Pass Management Plan

HPMG – Hatcher Pass Mountain Guides

DNR – Department of Natural Resources

DMLW – Division of Mining, Land & Water

DPOR – Division of Parks and Outdoor Recreation

DEC – Department of Environmental Conservation

DOT – Department of Transportation and Public Facilities

ADF&G – Department of Fish & Game